IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 210 OF 2007
IN
CRIMINAL WRIT PETITION NO. 2008 OF 2006

Tukaram Dashrath Belawade ..Applicant

Vs.

Shankar Rama Belawade & anr. ..Respondents

Mr. H.S. Venegavkar for applicant.
Mr. D.R. More, APP for State.

**CORAM: B.H. MARLAPALLE, J.**

**Date : July 30, 2007.**

**P.C.:**

. This is an application for restoration of Criminal Writ Petition No. 2008 of 2006. The application is beyond time by 43 days and it is also noted from the farad-sheet in the Criminal Writ Petition that the same was dismissed for the first time on 19/9/2006 and subsequently on account of the conditional order dated 20/4/2007.

. Even otherwise, by the impugned order dated 12/7/2004 the learned Additional Sessions Judge, Gadhinglaj has noted that the complaint filed by the petitioner could not be entertained directly and, therefore, unless the requirements of Section 195 of Cr.P.C. were met, the learned Magistrate was in error in issuing the process on the basis of a private complaint (Criminal Complaint No. 35 of 2000) and consequently the order of issuance of process in Summary Criminal Case No. 40 of 2004 was quashed and set aside. The reasoning set out by the learned Additional Sessions Judge cannot be termed as patently erroneous or perverse.

. Hence the application is rejected.

**(B.H. Marlapalle,J.)**